

MONDAY, MARCH 6, 1989

SIXTEENTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Dr. Forrest Harris, Vanderbilt School of Divinity, Nashville, Tennessee.

Representative David Coffey led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

The Speaker announced that Representative Cain was excused because of an out-of-town business meeting.

REGULAR CALENDAR

Senate Bill No. 162 -- Sunset Laws - Extends termination date of Obion-Forked Deer basin authority, board of directors. Amends TCA, Title 4, Ch. 29; Title 64, Ch. 1.

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Further consideration of Senate Bill No. 162, previously considered on February 27, 1989, at which time it was substituted for House Bill No. 230 and reset to the Calendar for March 6, 1989.

Rep. King moved that Senate Bill No. 162 be passed on third and final consideration.

Rep. King moved that Senate Bill No. 162 be reset to the Calendar for Wednesday, March 8, 1989, which motion prevailed.

**House Bill No. 0767 -- Insurance, Credit Life --** Authorizes credit life insurance policy provider to limit liability in certain circumstances. Amends TCA, Title 56, Ch. 7.

Rep. Wheeler moved that House Bill No. 767 be reset to the Calendar for Wednesday, March 8, 1989, which motion prevailed.

**House Bill No. 0243 -- DUI/DWI Offenses --** Adds community service hours to DUI laws. Amends TCA 55-10-403.

Rep. Stallings moved that House Bill No. 243 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

**\*House Bill No. 0022 -- Election Laws --** Authorizes property owners in certain municipalities to vote in municipal elections. Amends TCA 6-20-106.

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Rep. Copeland moved that House Bill No. 22 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	89
Noes. . . . .	1
Present and not voting. . . . .	5

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Callicott, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Ellis, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holt, Hubbard, Huskey, Jackson, Jones, U. (Shelby), Kent, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 89.

Representatives voting no were: Turner, L. (Shelby) -- 1.

Representatives present and not voting were: Clark, DeBerry, Holcomb, Kernell, Purcell -- 5.

A motion to reconsider was tabled.

**\*House Bill No. 0978 -- Courts, Jurisdiction -- Expands jurisdiction of city courts in Crossville. Amends TCA 6-21-501.**

Rep. Hillis moved that House Bill No. 978 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0
Present and not voting. . . . .	2

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs,

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Shirley, Sipes, Stallings, Stamps, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

Representatives present and not voting were: Naifeh, Severance -- 2.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from present and not voting to aye on House Bill No. 978 and have this statement entered in the Journal.

Rep. Charles Severance

#### REGULAR CALENDAR, CONTINUED

\*House Bill No. 0053 -- Veterans -- Removes requirement that Tennessee veterans' homes be subject to certificate of need process. Amends TCA, Title 58, Ch. 7; Title 68, Ch. 11, Pt. 1.

On motion, House Bill No. 53 was made to conform with Senate Bill No. 80.

On motion, Senate Bill No. 80, on same subject, was substituted for House Bill No. 53.

Rep. Hillis moved that Senate Bill No. 80 be passed on third and final consideration.

Rep. Hillis moved to amend as follows:

#### Amendment No. 1

Amend Senate Bill No. 80 by adding the following new section immediately following the first section and by renumbering the subsequent sections accordingly:

Section \_\_. Tennessee Code Annotated, Title 58, Chapter 7, is amended by adding the following new section:

Section \_\_. Twenty-five percent (25%) of the bed occupants at any one time of Tennessee state veterans' homes authorized by the provisions of this part may be veteran related family members, i.e. spouses, surviving spouses, gold star parents, and dependent children. When a state veterans' home accepts grant assistance for a

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construction project, seventy-five percent (75%) of the bed occupants at that facility as a whole must be veterans.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Hillis moved that Senate Bill No. 80, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

Representatives present and not voting were: Severance -- 1.

A motion to reconsider was tabled.

**House Bill No. 0499 -- Probation --** Requires that person must have actually been convicted of prior burglary before ineligible for probation because of subsequent burglary conviction. Amends TCA 40-35-303.

Rep. Naifeh moved that House Bill No. 499 be reset to the Calendar for Monday, March 13, 1989, which motion prevailed.

**MESSAGE FROM THE SENATE**  
**March 6, 1989**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 129; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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\*Senate Bill No. 0129 -- Mental Health and Mental Retardation, Dept. of -- Directs department to establish the rate of reimbursement paid to licensed supportive living facilities which participate in certain pilot programs. Amends TCA 12-4-330.

#### REGULAR CALENDAR, CONTINUED

House Bill No. 0081 -- Mental Health and Mental Retardation, Dept. of -- Directs department to establish the rate of reimbursement paid to licensed supportive living facilities which participate in certain pilot programs. Amends TCA 12-4-330.

On motion, House Bill No. 81 was made to conform with Senate Bill No. 129.

On motion, Senate Bill No. 129, on same subject, was substituted for House Bill No. 81.

Rep. Dixon moved that Senate Bill No. 129 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

\*House Bill No. 0630 -- Taxes, Gasoline, Petroleum Products -- Increases gasoline tax. Amends TCA 67-3-604, 606, 617, 67-3-803, 812, 67-3-1103, 1113.

Rep. Naifeh moved that House Bill No. 630 be passed on third and final consideration.

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Rep. Robinson (Davidson) moved to amend as follows:

Amendment No. 1

AMEND House Bill No. 630 by inserting the following new sections immediately before the effective date section and renumbering the effective date section accordingly:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 67-3-803(a), is amended by inserting in the first sentence after the number "1987" and before the period "." the following:

, and at a rate of sixteen cents (\$.16) per gallon, effective April 1, 1989

SECTION \_\_\_\_ Tennessee Code Annotated, Section 67-3-812, is amended by adding a new subsection (d) to read as follows:

(d) All revenues and investment income derived from the increase in the motor vehicle fuel use tax imposed by this act shall be placed in the State highway fund, and shall not be subject to the apportionment and distribution provisions of subsections (a), (b), and (c).

SECTION \_\_\_\_ Tennessee Code Annotated, Section 67-3-1103, is amended by substituting for the language "thirteen cents (13¢)" in subdivision (1) of subsection (a) the following:

fourteen cents (14¢)

SECTION \_\_\_\_ Tennessee Code Annotated, Section 67-3-1113, is amended by adding a new subsection (c) as follows:

(c) All revenues and investment income derived from the increase in the liquefied gas tax imposed by this act shall be placed in the State highway fund, and shall not be subject to the apportionment and distribution provisions of subsections (a) and (b).

AND FURTHER AMEND by substituting in the original effective date section for the language "March 1, 1989" the following: April 1, 1989

On motion, Amendment No. 1 was adopted.

Rep. Robinson (Davidson) moved to amend as follows:

Amendment No. 2

Amend House Bill No. 630 by adding a new section thereto, to be appropriately numbered, as follows:

SECTION \_\_\_\_\_. The department of transportation shall make good faith efforts to obtain participation of either disadvantaged business enterprises or women business enterprises, as such enterprises may be defined by the commissioner of transportation through regulations which he is hereby authorized to promulgate, in the amount approximating ten percent (10%) of the revenues which are distributed to the state highway fund from the petroleum products tax increases authorized by this act, and which are let to contract.

On motion, Amendment No. 2 was adopted.

Rep. Robinson (Davidson) moved to amend as follows:

Amendment No. 3

Amend House Bill No. 630 by designating Section 4 thereof as "Section 5."

Further amend by adding a new Section 4, to read as follows:

Section 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 3 was adopted.

Rep. Chiles moved to amend as follows:

Amendment No. 4

Amend House Bill No. 630 by inserting the following new section immediately before the effective date section and renumbering the effective date section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 67-3-803(a), is amended by inserting in the first sentence after the number "1987" and before the period "." the following:

, and at a rate of eighteen cents (\$.18) per gallon, effective April 1, 1989



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Rep. Bragg moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	54
Noes. . . . .	40

Representatives voting aye were: Anderson, Bell, Bragg, Buck, Burnett, Byrd, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Givens, Head, Hillis, Hobbs, Holt, Jackson, Jones, U. (Shelby), Kernell, King, Kisber, Love, Moore (Lawrence), Naifeh, Napier, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Winningham, Wix, Yelton, Mr. Speaker Murray -- 54.

Representatives voting no were: Armstrong, Bittle, Bivens, Callicott, Chiles, Coffey, Davis (Cocke), Gaia, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Putnam), Henry (Roane), Herron, Holcomb, Hubbard, Huskey, Kent, McAfee, McDaniel, Miller, Moody, Moore (Shelby), Niceley, Nuber, Odom, Peroulas, Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stamps, Whitson, Williams, Wolfe, Wood -- 40.

Rep. Dixon moved to amend as follows:

Amendment No. 5

Amend House Bill No. 630 by inserting the following new section immediately before the severability section and renumbering the subsequent sections accordingly:

Section \_\_. Notwithstanding any provisions of this act to the contrary:

(a) There is hereby created the position of contract compliance officer to assure compliance by the department of transportation with the provisions of this act pertaining to revenues used to obtain participation of either disadvantaged business enterprises or women business enterprises.

(b) In assuring such compliance, the contract compliance officer may consult with any individual enterprise or any association of disadvantaged business enterprises or association of women business enterprises providing roadbuilding or other services necessary for roadbuilding. The contract compliance officer shall make detailed quarterly reports of the activities of the department of transportation toward such compliance to the governor, the speaker of the

senate, the speaker of the house of representatives, and upon request, to the members of the general assembly or any member of the public.

(c) The contract compliance officer shall have authority to approve or disapprove any regulations promulgated by the commissioner of revenue concerning such revenues.

(d) For administrative purposes, the contract compliance officer shall be attached to the office of the comptroller.

(e) The contract compliance officer shall be paid an annual salary of seventy-five thousand dollars (\$75,000) as provided in the appropriations act.

Rep. Naifeh moved that Amendment No. 5 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	60
Noes. . . . .	34
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Callicott, Chiles, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DePriest, Duer, Ellis, Givens, Gunnels, Hassell, Haun, Hawkins, Head, Henry (Putnam), Hillis, Hobbs, Holcomb, Holt, Kisber, McAfee, McDaniel, Miller, Moore (Lawrence), Naifeh, Napier, Nuber, Peroulas, Phillips, Pinion, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Ussery, Webb, Wheeler, Whitson, Winningham, Wix, Wood, Mr. Speaker Murray -- 60.

Representatives voting no were: Armstrong, Byrd, Clark, Davis (Cocke), DeBerry, Dixon, Gaia, Garrett, Halteman, Harrill, Henry (Roane), Herron, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Moody, Moore (Shelby), Niceley, Odom, Pruitt, Purcell, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Williams, Wolfe, Yelton -- 34.

Representatives present and not voting were: Love -- 1.

Thereupon, Rep. Naifeh moved that House Bill No. 630, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. . . . .	64
Noes. . . . .	33
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Coffey, Collier, Crain, Cross, Davidson, Davis (Gibson), DeBerry, DePriest, Dixon, Duer, Ellis, Garrett, Givens, Good, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), King, Kisber, Love, McAfee, Moody, Moore (Lawrence), Naifeh, Napier, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Stamps, Starnes, Turner (Hamilton), Ussery, Wheeler, Whitson, Wix, Wood, Yelton, Mr. Speaker Murray -- 64.

Representatives voting no were: Callicott, Chiles, Clark, Curlee, Davis (Cocke), Davis (Knox), Gaia, Gunnels, Halteman, Harrill, Hassell, Kent, Kernell, McDaniel, Miller, Moore (Shelby), Niceley, Nuber, Odom, Peroulas, Purcell, Scruggs, Severance, Shirley, Sipes, Stallings, Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Williams, Winningham, Wolfe -- 33.

Representatives present and not voting were: Copeland -- 1.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on the motion to table Amendment No. 5 to House Bill No. 630 and have this statement entered in the Journal.

Rep. Joe Armstrong

**REGULAR CALENDAR, CONTINUED**

\*House Bill No. 0104 -- Taxes, Gasoline, Petroleum Products -- Increases motor fuel taxes. Amends TCA, Title 67, Ch. 3.

Rep. Rhinehart moved that House Bill No. 104 be passed on third and final consideration.

Rep. Robinson(Davidson) moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 104 by adding a new section thereto, to be appropriately numbered, as follows:

SECTION . As a condition of disbursement of the funds raised by this act any local government receiving such funds shall agree to make good faith efforts to obtain participation of either disadvantaged business enterprises or women business enterprises, as such enterprises may be defined by the commissioner of transportation through regulations which he is hereby authorized to promulgate, in the amount approximating ten percent (10%) of the revenues which are distributed to such governments from the petroleum products tax increases authorized by this act, and which are let to contract.

On motion, Amendment No. 1 was adopted.

Rep. Robinson(Davidson) moved to amend as follows:

**Amendment No. 2**

Amend House Bill No. 104 by deleting Sections 3 and 4 of the bill as printed and renumbering subsequent sections accordingly.

Rep. Chiles moved that Amendment No. 2 be tabled, which motion failed by the following vote:

Ayes. . . . .	47
Noes. . . . .	48

Representatives voting aye were: Bittle, Bivens, Callicott, Chiles, Coffey, Davis (Cocke), Gaia, Givens, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hobbs, Holcomb, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, McAfee, McDaniel, Miller, Moody, Moore (Shelby), Niceley, Nuber, Odom, Peroulas, Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stamps, Turner, C. (Shelby), Turner, L. (Shelby), West, Whitson, Williams, Wolfe, Wood -- 47.

Representatives voting no were: Anderson, Armstrong, Bell, Bragg, Buck, Burnett, Byrd, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Good, Head, Hillis, Holt, Jackson, King, Kisber, Love, Moore (Lawrence), Naifeh, Napier, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Stallings, Starnes, Turner (Hamilton), Ussery, Webb, Wheeler, Winningham, Wix, Yelton, Mr. Speaker Murray -- 48.

Rep. Robinson (Davidson) renewed his motion to adopt Amendment No. 2, which motion failed by the following vote:

Ayes. . . . .	45
Noes. . . . .	51

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Representatives voting aye were: Anderson, Armstrong, Bell, Bragg, Buck, Burnett, Byrd, Clark, Collier, Crain, Cross, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Good, Hillis, Holt, Kisber, Love, Moore (Lawrence), Naifeh, Napier, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Starnes, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, Wheeler, Winningham, Wix, Wood, Yelton, Mr. Speaker Murray -- 45.

Representatives voting no were: Bittle, Bivens, Callicott, Chiles, Coffey, Curlee, Davis (Cocke), Gaia, Garrett, Givens, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Henry (Putnam), Henry (Roane), Herron, Hobbs, Holcomb, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, McAfee, McDaniel, Miller, Moody, Moore (Shelby), Niceley, Nuber, Odom, Peroulas, Pruitt, Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Turner, C. (Shelby), West, Whitson, Williams, Wolfe -- 51.

Rep. Copeland moved to amend as follows:

**Amendment No. 3**

Amend House Bill No. 104 by deleting Sections (2) and (4) in their entirety and substituting in their place the following:

Section 2. Tennessee Code Annotated, Section 67-3-617, is amended by adding the following as a new subsection (g):

(g) Revenues from the one cent (1¢) increase in taxes imposed by Sections 67-3-603 and 67-3-604, effective 1989, shall be apportioned among the 95 counties of the state on a per-capita basis according to each county's population as determined by the most recent federal census. The revenue apportioned to each county shall be distributed as follows:

(A) Twenty-five percent (25%) of such revenues collected shall be distributed to the County Government.

(B) Seventy-five percent (75%) of such revenues collected shall be distributed to each city in the county on a per-capita basis according to each city's population as determined by the most recent federal census. For distribution purposes under this subsection, unincorporated areas within the county shall be treated as cities.

Section 4. Tennessee Code Annotated, Section 67-3-812, is amended by adding the following as new subsection (d):

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(d) Revenue from the one cent (1¢) increase in the tax imposed by Section 67-3-803, effective 1989, shall be apportioned as provided in Section 67-3-617(g).

Rep. Burnett moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	49
Noes. . . . .	47

Representatives voting aye were: Anderson, Bell, Bragg, Buck, Burnett, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DePriest, Duer, Givens, Gunnels, Harrill, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holt, Huskey, Jackson, McDaniel, Miller, Moore (Lawrence), Naifeh, Napier, Niceley, Phillips, Pinion, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Sipes, Stallings, Webb, Wheeler, Whitson, Winningham, Wix, Wolfe, Mr. Speaker Murray -- 49.

Representatives voting no were: Armstrong, Bittle, Bivens, Byrd, Callicott, Chiles, Clark, Coffey, Copeland, Davis (Knox), DeBerry, Dixon, Gaia, Garrett, Good, Halteman, Hassell, Holcomb, Hubbard, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lova, McAfee, Moore (Shelby), Nuber, Odom, Peroulas, Pruitt, Purcell, Robinson (Hamilton), Scruggs, Severance, Shirley, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Williams, Wood, Yelton -- 47.

Pursuant to Rule No. 31, Rep. Bivens moved to set a special order to have House Bill No. 104 moved to Wednesday, March 8, 1989, which motion failed by the following vote:

Ayes. . . . .	37
Noes. . . . .	58

Representatives voting aye were: Armstrong, Bittle, Bivens, Bragg, Callicott, Coffey, Davis (Knox), Good, Gunnels, Halteman, Harrill, Hassell, Head, Herron, Hobbs, Holcomb, Hubbard, Jones, U. (Shelby), Kernell, King, McAfee, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Niceley, Nuber, Odom, Peroulas, Scruggs, Shirley, Stallings, Turner, C. (Shelby), Turner, L. (Shelby), Williams, Wood -- 37.

Representatives voting no were: Anderson, Bell, Buck, Burnett, Byrd, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Haun, Hawkins, Henry (Putnam), Henry (Roane), Hillis, Holt, Huskey, Jones, R. (Shelby), Kent, Kisber, Love, McDaniel, Napier, Phillips, Pinion, Pruitt, Purcell, Rhinehart,

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Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stamps, Starnes, Turner (Hamilton), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Yelton, Mr. Speaker Murray -- 58.

Rep. Robinson (Davidson) moved the previous question, which motion failed by the following vote:

Ayes. . . . .	45
Noes. . . . .	52

Representatives voting aye were: Anderson, Armstrong, Bell, Buck, Burnett, Byrd, Clark, Collier, Cross, Davidson, Davis (Cocke), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Halteman, Haun, Hawkins, Henry (Roane), Hillis, Huskey, Jones, R. (Shelby), Love, Miller, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Ussery, Webb, West, Whitson, Winningham, Wix, Mr. Speaker Murray -- 45.

Representatives voting no were: Bittle, Bivens, Bragg, Callicott, Chiles, Coffey, Copeland, Crain, Curlee, Davis (Gibson), Davis (Knox), Good, Gunnels, Harrill, Hassell, Head, Henry (Putnam), Herron, Hobbs, Holcomb, Holt, Hubbard, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Wheeler, Williams, Wolfe, Wood -- 52.

Rep. Davis (Gibson) moved to amend as follows:

**Amendment No. 4**

Amend House Bill No. 104 by adding the following immediately preceding the last section and renumbering the sections accordingly:

Section \_\_\_\_ Tennessee Code Annotated, Section 67-3-617(d) is amended by deleting the language "effective 1985" and substituting instead the language "effective 1985 and 1989" wherever it appears in such subsection.

On motion, Amendment No. 4 was adopted.

Rep. Burnett moved the previous question, which motion prevailed.

Thereupon, Rep. Burnett moved that House Bill No. 104, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. . . . .	58
Noes. . . . .	39

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Burnett, Byrd, Callicott, Coffey, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Duer, Ellis, Garrett, Givens, Good, Haun, Hawkins, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), King, Love, Miller, Moody, Moore (Lawrence), Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Stamps, Starnes, Turner (Hamilton), Ussery, Wheeler, Whitson, Winningham, Wix, Mr. Speaker Murray -- 58.

Representatives voting no were: Bragg, Buck, Chiles, Clark, Copeland, Curlee, Davis (Knox), Gunnels, Halteman, Harrill, Hassell, Head, Herron, Kent, Kernell, Kisber, McAfee, McDaniel, Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Purcell, Scruggs, Severance, Shirley, Sipes, Stallings, Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Williams, Wolfe, Wood, Yelton -- 39.

A motion to reconsider was tabled.

**\*House Bill No. 0064 -- Taxes, Alcoholic Beverages --**  
Establishes tax on sale of low alcohol distilled spirits products.  
Amends TCA 57-3-302.

Further consideration of House Bill No. 64, previously considered on March 2, 1989, at which time, having received a constitutional majority in the negative, a motion to reject was made and the bill was set to the Calendar for today.

Rep. Wood renewed his motion to reject House Bill No. 64, which motion failed by the following vote:

Ayes. . . . .	25
Noes. . . . .	47
Present and not voting. . . . .	12

Representatives voting aye were: Bell, Buck, Callicott, Chiles, Davidson, DePriest, Gaia, Gunnels, Halteman, Henry (Putnam), Herron, Holcomb, Hubbard, Moore (Lawrence), Niceley, Pinion, Shirley, Stallings, Stamps, Starnes, Turner, C. (Shelby), West, Winningham, Wolfe, Wood -- 25.

Representatives voting no were: Anderson, Bittle, Bivens, Bragg, Burnett, Byrd, Collier, Curlee, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ellis, Harrill, Haun, Hawkins, Head, Hillis, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, McDaniel, Moody, Moore (Shelby), Naifeh, Napier, Nuber, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson



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(Washington), Scruggs, Severance, Sipes, Turner (Hamilton), Ussery, Webb, Whitson, Williams, Wix, Mr. Speaker Murray -- 47.

Representatives present and not voting were: Clark, Crain, Cross, Davis (Gibson), Good, Hassell, Holt, Miller, Purcell, Robinson (Hamilton), Turner, L. (Shelby), Yelton -- 12.

Pursuant to Rule No. 63, House Bill No. 64, having received a constitutional majority in the negative on a motion to pass on third and final consideration, and the motion to reject having failed, was re-referred to the Calendar and Rules Committee.

#### **REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on the motion to reject on House Bill No. 64 and have this statement entered in the Journal.

Rep. Joe Armstrong

#### **REGULAR CALENDAR, CONTINUED**

\*House Bill No. 0020 -- County Officers -- Abolishes office of constable in certain counties. Amends TCA, Title 8, Ch. 10.

Rep. Rhinehart moved that House Bill No. 20 be passed on third and final consideration.

Rep. Hillis moved to amend as follows:

#### **Amendment No. 1**

AMEND House Bill No. 20 by deleting the word "subsection" in the directory language of Section 1 and by substituting instead the word "subsections".

AND FURTHER AMEND by adding the following at the end of the amendatory language of Section 1:

( ) Effective September 1, 1990, the office of constable is abolished in any county having a population of not less than nineteen thousand five hundred (19,500) and not more than nineteen thousand five hundred seventy-five (19,575) according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 1 was adopted.

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Thereupon, Rep. Rhinehart moved that House Bill No. 20, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	90
Noes. . . . .	0
Present and not voting. . . . .	3

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Herron, Hillis, Hobbs, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 90.

Representatives present and not voting were: Givens, Holcomb, Ridgeway -- 3.

A motion to reconsider was tabled.

**CONSENT CALENDAR**

**\*House Bill No. 0190 -- Real Property --** Revises requirements for managers of time share estates. Amends TCA 66-32-106, 107, 122.

**\*House Bill No. 0191 -- Real Estate Agents and Brokers --** Revises certain time sharing provisions relative to the Real Estate Broker License Act. Amends TCA, Title 62, Ch. 13.

**\*House Joint Resolution No. 0040 -- Memorials, Government Officials --** Urges department of education and state textbook commission to consider basic values and traditional family life when developing curricula and selecting textbooks for public schools.

**House Joint Resolution No. 0134 -- Memorials, Condolence --** Honors memory of Eleanor June Cosby Boyd.

**House Joint Resolution No. 0135 -- Memorials, Condolence --** Honors memory of Nathaniel Rozelle.

**House Joint Resolution No. 0136 -- Memorials, Public Service --** Commends Joseph E. Armstrong for his dedicated service to Knox County.

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**House Bill No. 1435 -- Decherd --** Increases salary of mayor and aldermen. Amends Chapter 318, Acts of 1901, as amended.

**House Bill No. 1437 -- Alcoa --** Vests board of commissioners with authority over public utilities; abolishes board of public utilities. Amends Chapter 510, Private Acts of 1919, as amended. Repeals Chapter 309, Private Acts of 1980.

**House Bill No. 1439 -- Manchester --** Permits students attending Coffee County schools to attend Manchester city schools. Amends Chapter 65, Acts of 1905, as amended.

Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, and that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**UNFINISHED BUSINESS**

**RULES SUSPENDED**

Rep. Naifeh moved to suspend Rule No. 81(1), relative to the time for placing bills on notice in Committee, so that House Bill No. 566 can be heard by the General Welfare Committee on Wednesday, March 8, 1989, which motion prevailed.

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**RULES SUSPENDED**

Rep. Phillips moved to suspend Rule No. 49 (48-hour rule) to allow bills moved from Calendar and Rules on Tuesday, March 7, 1989, to be set on the floor calendar for Wednesday, March 8, 1989, which motion prevailed.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 53: Rep(s). Herron added as prime sponsor(s).

House Bill No. 96: Rep(s). Stamps added as prime sponsor(s).

House Bill No. 459: Rep(s). Stamps added as prime sponsor(s).

House Bill No. 566: Rep(s). Starnes added as prime sponsor(s).

House Bill No. 580: Rep(s). Stamps added as prime sponsor(s).

House Bill No. 720: Rep(s). Collier and Peroulas added as prime sponsor(s).

House Bill No. 1394: Rep(s). Bell added as prime sponsor(s).

**SPONSOR REMOVED**

On motion, Rep. Naifeh was removed as sponsor of House Bill No. 1404.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 91; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

Senate Joint Resolution No. 0091 -- Naming and Designating -- Designates March 14, 1989 as "Legislative Fitness Day".

**RULES SUSPENDED**

Rep. Herron moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 91 out of order, which motion prevailed.

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**Senate Joint Resolution No. 0091 -- Naming and Designating --**  
Designates March 14, 1989 as "Legislative Fitness Day".

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Herron, the resolution was concurred in by the following vote:

Ayes. . . . .	92
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Buck, Burnett, Byrd, Callicott, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Ellis, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

#### INTRODUCTION OF RESOLUTIONS

**House Joint Resolution No. 0137 -- Memorials, Sports --** Honors career of Coach John Meadows of Lincoln County High School. by \*Phillips, \*DePriest.

The Speaker referred House Joint Resolution No. 0137 to the Calendar and Rules Committee.

**House Joint Resolution No. 0138 -- Memorials, Congratulations --** Congratulates Dyer Fruit Box Manufacturing on the occasion of its 100th anniversary. by \*Davis Ray.

The Speaker referred House Joint Resolution No. 0138 to the Calendar and Rules Committee.

**House Joint Resolution No. 0139 -- Memorials, Sports --** Congratulates Coach Walter "Buck" VanHuss on 1000th career victory as high school basketball coach. by \*Hubbard, \*Holcomb, \*Callicott, \*Yelton, \*Givens, \*Robinson Ruth, \*Good, \*Chiles, \*Whitson.

The Speaker referred House Joint Resolution No. 0139 to the Calendar and Rules Committee.

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**INTRODUCTION OF BILLS**

**\*House Bill No. 1441** -- General Assembly -- Provides for election of officers of committees of the general assembly. Amends TCA, Title 3. by \*Bragg, \*Rhinehart, \*Davidson, \*Chiles, \*Scruggs, \*Starnes, \*DePriest, \*Clark, \*Copeland, \*Head.

Passed first consideration.

**SENATE BILLS ON FIRST CONSIDERATION**

**Senate Bill No. 0199** -- Correctional Programs -- Permits pre-trial detainees to receive sentence reduction credits for good behavior. Amends TCA 41-21-236.

Held on the Clerk's desk pending third consideration of companion House Bill No. 500.

**Senate Bill No. 0555** -- Equalization Board -- Permits withdrawal of complaint and appeal prior to issuance of final order. Amends TCA, Title 67, Ch. 5.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1057.

**Senate Bill No. 0609** -- Budget Procedures -- Exempts certain counties from County Budget Law of 1990. Amends TCA, Title 5, Ch. 22. Repeals TCA, Title 5, Ch. 22.

Held on the Clerk's desk pending third consideration of companion House Bill No. 373.

**Senate Bill No. 0635** -- County Officers -- Enacts "County Officials Certificate Training Program Act". Amends TCA, Title 8.

Held on the Clerk's desk pending third consideration of companion House Bill No. 745.

**HOUSE BILLS ON SECOND CONSIDERATION**

**\*House Bill No. 1440** -- Jackson -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**MESSAGE FROM THE GOVERNOR**

**March 6, 1989**

**MR. SPEAKER:**

I am directed by the Governor to return herewith: House Bill(s) No(s). 8, 92, 140, 204, 261, 262, 334, 382, 670, 682, 712, 743, 757

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and 780; and House Joint Resolution(s) No(s). 77, 78, 79, 81, 84, 90, 91, 93, 104 and 105, with his approval.

**DAVID H. WELLES,**  
Counsel to the Governor.

**ENROLLED BILLS**  
**March 6, 1989**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 785; and House Joint Resolution(s) No(s). 14, 106, 110, 112, 114 and 117; and find same correctly enrolled and ready for the signatures of the Speakers.

**BETTY KAY FRANCIS,**  
Chief Engrossing Clerk.

**SIGNED**  
**March 6, 1989**

The Speaker announced that he had signed the following: House Bill(s) No(s). 10 and 785; and House Joint Resolution(s) No(s). 14, 106, 110, 112, 114 and 117.

**ENGROSSED BILLS**  
**March 6, 1989**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 22, 243 and 978; and find same correctly engrossed and ready for transmission to the Senate.

**BETTY KAY FRANCIS,**  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**March 6, 1989**

**MR. SPEAKER:** I am directed to return to the House, House Bill(s) No(s). 36 and 632; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

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**MESSAGE FROM THE SENATE**

**March 6, 1989**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolution(s) No(s). 1, 18, 22, 118, 119, 120, 121, 122, 124, 125, 127 and 133; concurred in by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**March 6, 1989**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bill(s) No(s). 6, 83, 118, 120, 139, 196, 278, 300, 429, 440, 521 and 1037; passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**\*Senate Bill No. 0006 -- Law Enforcement --** Grants federal law enforcement officers the authority to enforce state law under certain circumstances. Amends TCA, Title 38, Ch. 3, Pt. 1.

**Senate Bill No. 0083 -- Adoption --** Permits commissioner of health and environment to respond to and appeal requests for disclosure of adoption information.

**\*Senate Bill No. 0118 -- Gas, Petroleum Products, Volatile Oils --** Prohibits interference with certain activities of operator of oil or gas well. Amends TCA, Title 60, Ch. 1.

**\*Senate Bill No. 0120 -- Gas, Petroleum Products, Volatile Oils --** Requires transporters and storers of crude petroleum or natural gas to keep records and file reports. Amends TCA, Title 60, Ch. 1, Pt. 1.

**Senate Bill No. 0139 -- Sunset Laws --** Extends termination date of wildlife resources commission. Amends TCA, Title 4, Chs. 3, 29; Title 8, Ch. 36; Title 11, Ch. 14; Title 62, Ch. 26; Title 69, Ch. 10; Title 70.

**\*Senate Bill No. 0196 -- Aged Persons --** Creates long term care ombudsman program within commission on aging. Similar to SB 1143. Amends TCA, Title 71, Ch. 2.

**\*Senate Bill No. 0278 -- Credit Unions --** Revises duties of credit union boards of directors. Amends TCA, Title 45, Ch. 4.



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**\*Senate Bill No. 0300 -- Hospitals and Health Care Facilities --** Requires certification of persons who serve as chief administrators of residential homes for the aged. Amends TCA, Title 68.

**\*Senate Bill No. 0429 -- Children --** Defines "dependent child" for purposes of certain juvenile proceedings. Same as \*HB 1186/SB 1316; Similar to \*HB 1156. Amends TCA, Title 37.

**\*Senate Bill No. 0440 -- Divorce and Annulment --** Grants divorce to both parties under certain circumstances. Amends TCA, Title 36, Ch. 4, Pt. 1.

**\*Senate Bill No. 0521 -- Juries and Jurors --** Revises provisions for compensation of jurors. Amends TCA, Title 22.

**\*Senate Bill No. 1037 -- Wildlife Resources Commission --** Adds special director to wildlife resources commission; revises fishing and hunting license fees for disabled veterans. Amends TCA, Title 70.

#### **ENGROSSED BILLS**

**March 6, 1989**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 20, 104, 190, 191, 630, 1435, 1437 and 1439; and House Joint Resolution(s) No(s). 40, 134, 135 and 136; and find same correctly engrossed and ready for transmission to the Senate.

**BETTY KAY FRANCIS,**  
Chief Engrossing Clerk.

#### **REQUEST TO CHANGE VOTE**

**MR. SPEAKER:** Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on House Bill No. 630 and have this statement entered in the Journal.

Rep. Joe Armstrong

#### **LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES**

**March 6, 1989**

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1440.

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REPORT OF COMMITTEE ON CALENDAR AND RULES  
CONSENT CALENDAR  
March 6, 1989

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bill(s) and/or resolution(s) on the Consent Calendar for Wednesday, March 8, 1989: House Joint Resolution(s) No(s). 137, 138 and 139; and House Bill No. 1440.

PHILLIPS, Chairman.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

On motion of Rep. Naifeh, the House adjourned until 2:00 p.m., Wednesday, March 8, 1989.